

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20774  
Docket Number CL-20648

Joseph A. Sickles, Referee

(Brotherhood of Railway, Airline and Steamship  
( Clerks, Freight Handlers, Express and  
( Station **Employees**

PARTIES TO DISPUTE: (

(Reading **Company**  
(Andrew L. Lewis, Jr., Trustee

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood,  
GL-7512, that:

(a) The Carrier violated that Agreement when on May 31, 1973  
it **improperly** removed Edward Schneider from service without notice or  
hearing.

(b) The Carrier be required to restore Edward Schneider to  
service with full rights unimpaired and **that he** be paid for all **time**  
lost retroactive to May 31, 1973.

OPINION OF BOARD: Claimant contests Carrier's action of removing him  
from service because he did not receive a hearing and  
investigation, as required in discipline cases. Carrier has continued to  
deny that any question of discipline is involved, and therefore no hearing  
was required.

Our review of the entire record demonstrates that Claimant had  
a long history of medical problems which were well known (and **documented**)  
by the parties. Some rather severe medical considerations (including threats  
of physical violence) motivated the removal here under review.

**Claimants** assume a burden of proof when they present **claims** to  
this Board. Under this record, we are unable to find that there is any  
indication that Carrier violated its obligations under the Agreement when  
it removed Claimant from service. We cannot find that Carrier discharged  
**Claimant** or terminated his employment status; nor is there any valid **sug-**  
gestion of subterfuge to avoid obligations.

We will dismiss the claim (See Awards 19983 and 20344).

**FINDINGS:** The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties **waived** oral hearing;

That the **Carrier** and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction **over** the dispute involved herein; and

That the claim be dismissed.

A W A R D

**Claim** dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois, this 18th day of July 1975.